

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Douglas Johnson on behalf of himself and  
all others similarly situated,

Court File No. 11-CV-1267 (PAM/TNL)

Plaintiffs,

**ANSWER TO AMENDED  
COMPLAINT**

v.

Buffalo Wild Wings, Inc. a/k/a Buffalo  
Wild Wings Bar & Grill,

Defendant.

---

Defendant Buffalo Wild Wings, Inc. (“BWW”), through its undersigned attorneys,  
answers the Amended Complaint as follows:

1. Denies all of the allegations except as admitted or qualified herein.
2. As to Paragraph 1, the Amended Complaint speaks for itself.
3. As to Paragraph 2, lacks information regarding where Plaintiff resides, but admits remainder of allegations.
4. Lacks information sufficient to form a belief as to the truth of Paragraph 3.
5. As to Paragraph 4, admits it is a Minnesota corporation with a registered office located at 5500 Wayzata Boulevard, Suite 1600, in Minneapolis, Minnesota.
6. Paragraphs 5, 6, and 7 are legal conclusions to which no response is required.
7. Lacks information sufficient to form a belief as to the truth of Paragraphs 8 and 10.

8. As to Paragraph 12, the Amended Complaint speaks for itself.

**Defenses**

9. The Amended Complaint fails to state a claim upon which relief can be granted.

10. BWW is not a proper defendant. Blazin Wings, Inc. operates the Buffalo Wild Wings Grill & Bar at 3085 White Bear Avenue North in Maplewood, Minnesota. Blazin Wings, Inc. is a wholly owned subsidiary of BWW.

11. BWW was not the ATM operator.

12. BWW did not impose a fee upon Plaintiff.

13. Plaintiff suffered no injury or damage.

14. Plaintiff is not entitled to class certification because he fails to meet the requirements of Fed. R. Civ. P. 23.

**WHEREFORE,** BWW respectfully requests that the Court grant relief as follows:

- a. Dismiss with prejudice the Amended Complaint;
- b. Award BWW its attorney fees, costs, and expenses pursuant to 15 U.S.C. § 1693m(f); and
- c. Grant BWW any other relief that the Court deems just and proper.

Dated: July 13, 2011

**BRIGGS AND MORGAN, P.A.**

By: s/Amie E. Penny

Timothy G. Gelinske (#0267764)

Molly B. Thornton (#0331922)

Amie E. Penny (#0389874)

2200 IDS Center

80 South Eighth Street

Minneapolis, Minnesota 55402-2157

(612) 977-8400

**ATTORNEYS FOR DEFENDANT  
BUFFALO WILD WINGS, INC. A/K/A  
BUFFALO WILD WINGS BAR &  
GRILL**